

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

270592

DATE OF REPORT (DAY-MO.-YEAR)

28 Aug 01

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE  
ATTENTION {x} ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
[] ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Montgomery, James	RANK Inv	STAR # NO. 236	SOCIAL SEC. NO. 2 - Unique identifiers	EMPLOYEE NO. 2 - Unique...	UNIT ASSIGN 113
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ADDRESS OF INCIDENT 59 1... W. Iowa, out side	DATE OF INCIDENT - TIME 12 Apr 01 1800	BEAT OF INCIDENT 1531	LOCATION CODE* 017
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NAME Seaberry, Robert	RANK PO	STAR NO. 3110	SOCIAL SEC. NO. 2 - Unique identifiers	EMPLOYEE NO. 2 - Unique...	UNIT ASSIGN. 015
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2. Huertas, Carlos	PO	19394	2 - Unique identifiers	2 - Unique...	015
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SEX/RACE 1. M/B	D.O.B. 1... Jan 53	DATE OF APPOINTMENT 31 May 94	DUTY STATUS (TIME OF INCIDENT) [X] ON DUTY [] OFF DUTY	[X] SWORN [] CIVILIAN	PHYS COND., CODE 01
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2. M/H	2... Sep. 74	27 Jul 98	[X] ON DUTY [] OFF DUTY	Sworn	01
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IF APPLICABLE - DATE ARRESTED/INDICATED 1.	CHARGES	COURT BRANCH	DISPOSITION & DATE
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2. 2 - Uni... Personal info	1 - Personal info Chgo. Il.	1 - Personal info	M/B 2... Jun 70 01
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NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
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NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
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NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND CODE
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[] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

See Report

I.A.D. LOCATION CODES\*

- 01 Food Sales/Restaurant
- 02 Tavern/Liquor Store
- 03 Other Business Establishment
- 04 Police Building
- 05 Lockup Facility
- 06 Police Maintenance Facility
- 07 CPD Automotive Pound Facility
- 08 Other Police Property
- 09 Police Communications System
- 10 Court Room

- 11 Public Transportation Veh./Facility
- 12 Park District Property
- 13 Airport
- 14 Public Property - Other
- 15 Other Private Premise
- 16 Expressway/Interstate System
- 17 Public Way - Other
- 18 Waterway, Incl. Park District
- 19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

## SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s).  
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

## ATTACHMENTS

INVESTIGATIVE REPORTS-  
SUPPORTING ALLEGATION  
LIST ATTACHMENT NUMBERS:

1,2,8

INVESTIGATIVE REPORTS-  
SUPPORTING ACCUSED MEMBER(S)  
LIST ATTACHMENT NUMBERS:

4,5,21,22

PHYSICAL EVIDENCE  
LIST ATTACHMENT NUMBERS:

9

TOTAL NUMBER OF ATTACHMENTS  
SUBMITTED WITH THIS FILE:

24

## FINDINGS-RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

## FINDINGS:

Accused # 1) Officer Robert Seaberry # 3110  
Allegations # 1-2) NOT SUSTAINED

Accused # 2) Officer Carlos Huertas # 19394v  
Allegation # 1) NOT SUSTAINED

Approved:

2 - Unique identifiers

Investigator: Ill Andrew Palahniuk # 245

DATE INITIATED 16 April 01  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION)

DATE COMPLETED 28 Aug 01  
(DATE OF THIS  
REPORT)

ELAPSED TIME  
(TOTAL TIME,  
EXPRESSED IN DAYS)

134 DAYS

Investigator will initiate the Command Channel Review  
for by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

2 - Unique identifiers

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

ALLEGATIONS:

The complainant, [2 - Unique id 1 - Perso...], registered this complaint via the telephone on 13 April 01, at 0840 hours, with Intake Aide Larvette Butts, Emp. # [2 - Unique id...], Unit 113. [2 - Unique id 1 - Perso...] alleged that on 12 April 01, at 1800 hours, outside at 591... W. Iowa, **Officer Robert Seaberry # 3110:**

- 1) Verbally abused him.
- 2) Slammed the car door on his leg

The complainant further alleged that on the same date, time and location, **Officer Carlos Huertas # 19394:**

- 1) Physically abused him, in that he grabbed him by the shirt, struck three times on the chest, pushed him to the back of the house and handcuffed him too tight.

## INVESTIGATION:

In an in person interview, [2 - Unique ide 1 - Perso...], the complainant stated that on 12 April 01 at approximately 1800 hours he had left the back yard of 58 [redacted] W. Iowa . He was in the process of coming to the front of this location when he was grabbed in the shirt by the accused, now known as PO Carlos Huertas. [1 - Per 1 - Perso...] stated that PO Huertas struck him in the chest several times while pushing him to the rear of the house. [1 - Per 1 - Perso...] stated that after reaching the rear of the house, a second accused, now known as PO Robert Seaberry came up to him and said " Shut the fuck up." He also stated that he was handcuffed too tight by PO Huertas, and that the handcuffs were loosened after he arrived at the 015<sup>th</sup> District Station. [1 - Per 1 - Perso...] alleged that when being placed in the squad car, PO Seaberry slammed the car door on his leg. [redacted] [1 - Perso...] was subsequently transported to 015<sup>th</sup> District Station for processing.

[1 - Per 1 - Perso...] stated that he was injured, but that he sought no medical treatment. [1 - Per 1 - Perso...] was unsure if any one had witnessed the incident.

The reporting investigator conducted a witness canvass, but the canvass proved unsuccessful. The reporting investigator also attempted to contact [1 - Per 1 - Perso...] 's mother and obtain the name of a possible witness from [1 - Per 1 - Perso...], these attempts were not successful.

The Arrest and Case Reports disclosed that [1 - Per 1 - Perso...] was observed by the arresting officers t yelling is "5-0" and looked towards the arresting officer's direction. [1 - Per 1 - Perso...] ran in the alley , into a gangway, jumped a fence and ran across a yard. [redacted] [1 - Perso...] was stopped for a field inter view and at that time he began yelling and using profanities towards the arresting officers. He was subsequently placed under arrest and transported into 015<sup>th</sup> District for processing.

INVESTIGATION:(CONTINUED)

The Arrestee Receiving Screening Report denoted no obvious pain or injury. Mr. 1 - Perso... IR photograph revealed no visible injury.

The accused, Officers, Robert Seaberry # 3110 and Carlos Huertas # 19394 both submitted To/From Subject Reports. Their reports in essence were supported by the content of the Arrest and Case Reports. Both officers denied the allegations made against them.

CONCLUSION:

Based on the facts at hand, and in absence of any witnesses or physical evidence to the contrary, the reporting investigator recommends a finding of **NOT SUSTAINED** for allegations 1) verbally abused him and 2) slammed the car door on his leg made against **Officer Robert Seaberry # 3110**.

There is insufficient evidence to support these allegation.

The reporting investigator further recommends a finding of **NOT SUSTAINED** made against **Officer Carlos Huertas # 19394** for allegation 1) physically abused him, in that he grabbed **1 - Per 1 - Perso...** by the shirt, struck him three times on the chest, pushed him to the back of the house and handcuffed him too tight.

There is insufficient evidence to support this allegation.